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Filing date: **11/09/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|------------------------|---|
| Proceeding | 86263453 |
| Applicant | Developed Research for Irrigation Products |
| Applied for Mark | PIP |
| Correspondence Address | ANN MCCAMEY RUTTENBERG IP LAW 1801 CENTURY PARK E STE 1920 LOS ANGELES, CA 90067-2326 UNITED STATES ann@ruttenbergiplaw.com, guy@ruttenbergiplaw.com |
| Submission | Applicant's Motion to Suspend |
| Attachments | FINAL - PIP Suspension Request - 86263453.pdf(84693 bytes) |
| Filer's Name | Ann McCamey |
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| Signature | /Ann McCamey/ |
| Date | 11/09/2015 |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Name of Applicant: Developed Research for Irrigation Products, d/b/a Pulsating Irrigation Products (“PIP”)

Serial Number: 86/263,453

Filing Date of Application: April 25, 2014

Mark: PIP (Special Form)

**REQUEST FOR SUSPENSION UNDER RULE 1213 OR,
IN THE ALTERNATIVE, AN EXTENSION UNDER RULE 1203.02(d)**

Applicant filed an application to register its mark “PIP” in Special Form on April 25, 2014. The Examining Attorney primarily refused registration of the mark under the Trademark Act § 2(d), 15 U.S.C. § 1052(d), namely on the basis of likelihood of confusion with a registered mark. Applicant believes that this registered mark has been abandoned and has filed a petition to cancel the registered mark. That proceeding has been assigned Docket No. 92062553. A favorable ruling in the cancellation proceeding would moot the instant appeal. Accordingly, Applicant requests that the Board suspend the instant Appeal pending resolution of the cancellation proceeding under Rule 1213.

In the event that Board declines to suspend the Appeal, Applicant respectfully requests an extension under Rule 1203.02(d) for filing its opening brief. Specifically, in the event the suspension request is denied, Applicant requests an extension up through and including 30 days from any order denying such extension.

Good cause supports Applicant’s request for suspension of the Appeal or, in the alternative, an extension to file its opening brief. Namely, the argument advanced by the

Examining Attorney rejecting Applicant's registration is based upon another mark, "PIP," which is believed to be abandoned as explained in the petition for cancellation. Indeed, evidence submitted by Applicant confirms that the mark has not been used in 9 years. Applicant has other reasons for appealing the Examining Attorney's registration, but those reasons would become moot in the event that the petition for cancellation is successful. Therefore, suspending the present Appeal will conserve resources of the Board and Applicant. For the same reasons, Applicant does not believe it would be a useful exercise to file an opening brief addressing these issues, until the Board at least resolves the present Request for Suspension.

Accordingly, Applicant requests that the instant appeal be suspended pending resolution of the Petition to Cancel of Registration No. 1030589 (Docket No. 92062553). In the event that the Board denies this request for suspension, Applicant requests 30 days from any such order for filing its opening appeal brief.

Respectfully submitted,

DATED: November 9, 2015

By: /s/ Guy Ruttenberg

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